

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VINCENT WOLTZ	)	
	)	
_____	)	CASE NO.
	)	2021-00165
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Vincent Woltz (Mr. Woltz) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).<sup>1</sup>

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive,

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<sup>1</sup> KRS 367.4901 through KRS 367.4917.

or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Mr. Woltz for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Mr. Woltz violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Mr. Woltz shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto:PSCED@ky.gov) with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 32625 in the Appendix to this Order is made a part of the record in this case.

4. **Please note that notice of a hearing to be held in this matter will be mailed to Mr. Woltz once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

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By the Commission

ENTERED  
APR 19 2021 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00165

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00165 DATED APR 19 2021

FOUR PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 4/21/2020 11:30:00 AM	<b>Incident ID</b> 32625 <b>Report Submitted</b> 5/19/2020 1:34:29 PM
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## OPERATOR INFORMATION

<b>Operator</b> Louisville Gas and Electric Company <b>Phone</b> (502) 364-8281 <b>Incident Location</b> 1407 Fairdale Rd Fairdale, KY 40118 Jefferson	<b>Reported By</b> Mike Jones <b>Email</b> Mike.Jones@lge-ku.com <b>Locate Ticket Number</b> NA
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Woltz, Vincent <b>Phone</b> 502-644-6412 <b>Excavator Address</b> 1409 Fairdale Rd Fairdale, KY 40118	<b>Organization ID</b> <b>Email</b> <b>Locate Ticket Number</b>
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### INCIDENT

The Operator reports that the Excavator/Homeowner damaged a 1 ¼ inch gas service, pushing over a large tree, the roots of the tree were warped around the gas service and there was a failure to call the KY Contact Center (811).

**The Damage Report is include as Attachment 1.**

### Excavation Summary

Excavation Within 18" <small>(Approximate Location)</small>	Type Of Equipment Used	Cost of Damage <small>(Per Operator)</small>	Amount Billed <small>(Excavator)</small>
No call to 811	Mechanized / Not specified	\$2,784.00	\$0.00

### INVESTIGATION

On 01/08/20 the Excavator, Vincent Woltz, stated that he was removing a tree from his property and did not realize a call to 811 was warranted. Mr. Woltz was receptive to attending the Damage Prevention course and paying the reduced penalty of \$100.00.

### VIOLATION

#### KRS 367.4911

**(1)(a)** Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

### # of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Louisville Gas and Electric Company

Submitted 5/19/2020 Incident ID: 32625

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32625\)](#)

### Reported By:

**Name:** Mike Jones  
**Phone:** (502) 364-8281  
**Email:** Mike.Jones@lge-KU.com

### Gas Line Incident Occured:

**Date:** 4/21/2020  
**Time:** 11:30 AM

### Details:

**Reported Date:** 5/19/2020 1:30 PM

### Incident Location Address:

**Location:**  
**Address:** 1407 Fairdale Rd  
**City:** Fairdale  
**State:** KY  
**County:** Jefferson  
**Zip:** 40118  
**Confirm Code:** Y

**Number of Customers out:** 1

**Was gas or hazardous liquids contained in the underground facility?**

**Was gas or hazardous liquids released into the atmosphere?**  \*

3/2020

**Locate Request Ticket No.:** NA

**Excavator:** Contractor

### Excavator Address:

**First Name:** Vincent  
**Last Name:** Woltz  
**Organization ID:**  
**Company:** Woltz Plumbing and Design  
**Phone:** 502-644-6412  
**Email:**

**Address:** 1409 Fairdale Rd  
**City:** Fairdale  
**State:** KY  
**Zip:** 40118  
**Confirm Code:** Y  
**Excavation Damage:** No notification made to the One  
Call Center

**Description of Incident** ?Excavator/owner taking down tree without locates.

### Summary Information

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5/19/2020

**Full details such as the cause** Excavator pushing over large tree, service embedded in large rootball of tree when pushed over, service came with it.  
**Extent of the damage** 1 1/4" plastic gas service  
**Cost of the damage** \$2,784.00  
**Steps taken to prevent re-occurrence** I gave contractor a Safe Digging Brochure and advised him to call for locates even when pushing over a tree. He said he always calls 811 and has a contractor ID with 811. He said he didn't think pushing over the tree would cause a damage.  
**Amount billed to excavator** \$0.00

Vincent Woltz  
1409 Fairdale Rd.  
Fairdale, KENTUCKY 40118